

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raymond P. Vito

Serial No.: Not Yet Assigned

Filed: June 23, 2003

For: AUTOLOGOUS VASCULAR GRAFTS
CREATED BY VESSEL DISTENSION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

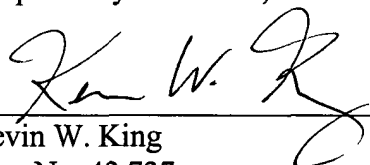
STATEMENT UNDER 37 C.F.R. § 1.63(d)(2)

Sir:

The undersigned attorney of record for the present continuation application requests the deletion of Jack P. Griffis, named as inventor in the prior application, who is not an inventor in the present continuation application because his invention is no longer being claimed. Therefore, the correct inventorship of this continuation application is Raymond P. Vito.

A copy of the executed declaration filed in the prior application is attached hereto.

Respectfully submitted,



Kevin W. King
Reg. No. 42,737

Date: June 23, 2003

SUTHERLAND ASBILL & BRENNAN LLP
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Atlanta, Georgia 30309-3996
(404) 853-8068
(404) 853-8806 (fax)

Attorney Docket No.: 17625-0049

DECLARATION AND POWER OF ATTORNEY

In re Application of: **Raymond P. Vito and Jack C. Griffis, III**

As a below named inventor, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names. We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"DEVICES FOR CREATING VASCULAR GRAFTS BY VESSEL DISTENSION USING FIXED POST AND MOVEABLE DRIVER ELEMENTS,"** the specification of which:

☐ is attached hereto.

☒ was filed on November 27, 2001 as Application No. 09/994,241.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. We do not know and do not believe that the same was ever known or used by others in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the date of this application. We further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. We *understand that we have a duty of candor and good faith toward the Patent and Trademark Office*, and we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119	
			YES	NO

**"DEVICES FOR CREATING VASCULAR GRAFTS BY VESSEL
DISTENSION USING FIXED POST AND MOVABLE DRIVER ELEMENTS"**

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We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119	
			YES	NO
60/274,702	US	March 9, 2001	X	
60/087,027	US	May 28, 1998	X	

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Country	Filing Date	Status:
			Patented, Pending, Abandoned
09/322,095	US	May 28, 1999	Pending

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Peter G. Pappas - 33,205; Daniel J. Warren - 34,272; William L. Warren - 36,714; Michael S. Pavento - 42,985; Lisa M. Cobern - 44,669; Robert A. Lester - 24,004; Erinn C. Kelly - 44,822; Jerry C. Liu - 47,754; and Kevin W. King - 42,737.

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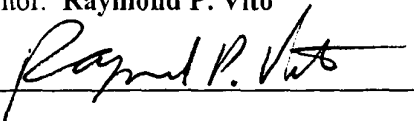
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Full name of first inventor: Raymond P. Vito

Citizenship: US

Inventor's signature



Date: 12-20-01

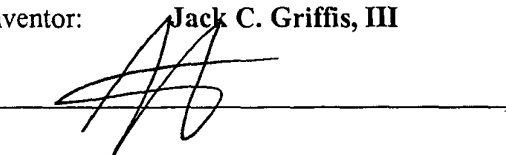
Residence and Post Office Address: 2224 Riada Drive, N.W. Atlanta, Georgia 30305

Full name of second inventor:

Jack C. Griffis, III

Citizenship: US

Inventor's signature



Date: 12/20/01

Residence and Post Office Address: 1133 Druid Lake, Decatur, Georgia 30033